

FACT SHEET

as required by LAC 33:IX.3111 for major LPDES dischargers, for draft Louisiana Pollutant Discharge Elimination System Permit No. LAG670000 to discharge to waters of the State of Louisiana as per LAC 33:IX.Chapter 31.

GENERAL PERMIT NO. LAG670000

AI 97422

PER20080001

GENERAL PERMIT FOR DISCHARGES OF HYDROSTATIC TEST AND VESSEL TESTING WASTEWATER

FACT SHEET FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES) REISSUANCE PERMIT FOR DISCHARGES OF HYDROSTATIC TEST AND VESSEL TESTING WASTEWATER.

Permit No. LAG670000

Issuing Office: State of Louisiana
Department of Environmental Quality
Office of Environmental Services
Water Permits Division
Municipal and General Water Permits Section

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(LAC 33:IX.3111.B.7) Municipal and General Water Permits Section
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Permit Action: Reissuance of an LPDES General Permit for Discharges of Hydrostatic Test and Vessel Testing Wastewater

Date Prepared June 1, 2007

I. COVERED ACTIVITY (LAC 33:IX.3111.B.1,2)

This LPDES permit is being reissued and will replace the current LPDES General Permit for Discharges of Hydrostatic Test Wastewater (LAG670000), which was issued by the Louisiana Department of Environmental Quality (LDEQ) on December 10, 2002, effective February 1, 2003, modified March 1, 2003, and September 1, 2005.

The availability of an LPDES general permit for discharges of hydrostatic test and vessel testing wastewater streamlines the permit process by eliminating the need to develop and issue an individual LPDES permit for discharges of hydrostatic test wastewater and related conduit and vessel rinse or cleaning wastewater for every hydrostatic test conducted in the state and by eliminating the need to public notice a draft permit for every individual site throughout the state that plans to discharge wastewater that is generated during hydrostatic testing activities. Facilities that conduct hydrostatic tests generate common types of wastewater during hydrostatic testing of new pipes, pipelines, flowlines, vessels, and/or tanks and common types of wastewater during hydrostatic testing of pipes, pipelines, flowlines, vessels, and/or tanks which are not new (i.e., those that have previously been in service). If the Department were required to issue an individual LPDES permit for discharges from each of these hydrostatic testing activities, each permit would be almost identical; however, it would take considerably more time and departmental resources to issue an individual permit for discharges from each site or each testing event. The availability of this general permit to regulate discharges of hydrostatic test and vessel testing wastewater from the testing of pipes, pipelines, flowlines, vessels, tanks and similar conduits and vessels minimizes the time period required to issue LPDES permits to protect state water quality standards and to consistently regulate wastewater discharges from each site where hydrostatic testing activities occur.

Issuing individual LPDES permits for discharges of hydrostatic test and vessel testing wastewater would be an inefficient use of department resources and would unnecessarily delay the testing and repair (if required) of pipes, pipelines, flowlines, vessels, tanks and similar conduits and vessels that will be (are being/have been) used to transport, transfer, or store natural gas, crude oil, liquid or gaseous petroleum hydrocarbons, or similar substances.

For the purpose of this permit, "petroleum" shall mean crude oil, gasoline, diesel fuel, aviation fuel, fuel oils, gasoline additives stored and used in conjunction with gasoline storage, petroleum lubricants, petroleum solvents or petroleum derived asphalts.

Discharges of hydrostatic test and vessel testing wastewater that is regulated under this general permit can originate during the pressure testing of new pipes, pipelines, flowlines, storage tanks or similar conduits or vessels, or those which have been used for the transport, transfer, or storage of natural gas, crude oil, liquid or gaseous petroleum hydrocarbons, or other petroleum-related substances. Discharges of vessel testing wastewater that is regulated under this general permit can originate during the cleaning or rinsing of either the interior or the exterior surface of a new conduit or vessel; during the cleaning or rinsing of either interior or exterior of a conduit or vessel that has been used to contain, transfer, transport, or store natural gas, crude oil, liquid or gaseous petroleum hydrocarbons, or materials of similar nature.

Activities regulated by this general permit often occur at oilfield-related fabrication yards; metal fabrication yards; gas stations; convenience stores; truck stops; and vehicle

maintenance and storage facilities with fuel storage tanks; as well as any facility where petroleum products are processed and/or stored.

Hydrostatic test and vessel testing wastewaters covered by this permit must be treated, if necessary, to meet the effluent limitations in Subject Item: RLP 1 Outfall 001, before being discharged from the site of origin. Wastewater types other than those described in the permit are not authorized under this general permit. Wastewater that is generated at a permitted site but does not originate from a conduit or vessel that will be hydrostatically tested is not authorized under this general permit.

II. OBTAINING COVERAGE

Dischargers desiring coverage under this permit should submit an NOI at least thirty (30) days prior to the proposed commencement of discharge. The HST-G form is the form that must be completed and submitted to LDEQ for permit coverage. The HST-G form may be obtained by contacting the LDEQ Customer Service Center at (225) 219-5337, or from the LDEQ web site at <http://www.deq.louisiana.gov/portal/Portals/0/permits/lpdes/hst-g.doc>.

Permit coverage is available for site-specific coverage or for statewide coverage for discharges from any location within the state. The applicant shall indicate on the NOI form if the application is being submitted for site-specific permit coverage or for statewide permit coverage. An NOI should be submitted at least thirty (30) days prior to discharge to obtain permit coverage for either site-specific or statewide permit coverage.

Permittees that obtain a statewide permit authorization number are required to number each hydrostatic test event sequentially (001, 002, 003, etc.) as it occurs. The number that is assigned to an individual hydrostatic test event will be used to summarize the monitoring results for that individual hydrostatic test event on a Discharge Monitoring Report (DMR). The identification number that is assigned to a particular hydrostatic test event or vessel testing event (i.e., 001, 002, 003, etc.) will be placed on the DMR in the box marked "Discharge Number." A number that has been assigned to a specific hydrostatic test event or a specific conduit or vessel testing event will become the historical identification number for that particular test event. A number that has been assigned as the historical identification number for a particular test event shall be used to identify only that one particular test event. A historical identification number shall not be reused at a later date to identify a different hydrostatic test event or a different vessel testing event.

Existing facilities conducting activities that result in discharges eligible for coverage under this permit but are not permitted by an LPDES permit should submit an NOI immediately.

Any permittee covered by an individual permit or other general permit(s) may submit an NOI and request that the individual permit or other general permit(s) be canceled if the permitted source or activity is also eligible for coverage under this general permit. Upon approval by this

Office, the permittee will be notified of coverage by this general permit and of cancellation of the previous permit(s).

If circumstances at the permitted facility are expected to change in the future and the change will result in the addition or elimination of permitted outfalls, or a change in the composition of effluent from a permitted outfall, the permittee is required to notify the Water Permits Division in writing of the proposed changes and to receive the appropriate permit coverage prior to adding a new outfall or changing the composition of effluent from a permitted outfall.

The permittee is required to submit a permit transfer request to the Environmental Assistance Division either prior to or no later than 45 days after the permitted facility changes ownership/operator. The request must be made on the official LDEQ form NOC-1 which is available on the LDEQ website at: www.deq.louisiana.gov/portal/Portals/0/assistance/NOC-1%20FORM%20Jan%2025,%202006.pdf. Any questions related to making a permit transfer should be directed to the LDEQ Application Verification Group at (225) 219-3292.

A printed hard copy of this permit may be obtained by contacting the LDEQ Water Permits Division at (225) 219-3181, or a copy can be downloaded from the LDEQ website at www.deq.louisiana.gov/portal/Portals/0/permits/lpdes/pdf/LAG670000.pdf.

Dischargers who are currently permitted under the LPDES version of this permit that expires on December 14, 2007, are not required to submit a new NOI. These permitted dischargers will be automatically covered under the reissued LPDES permit. Notification of coverage and a copy of the permit will be sent to each permittee after permit finalization. Permit conditions in the reissued permit are effective for these automatically-authorized permittees three (3) days after the postmark date of the notification of the facility's coverage under the reissued general permit.

III. DISCHARGE DESCRIPTION (LAC 33:IX.3111.B.2)

The general permit will authorize only discharges identified above in Part I, which are generated either during hydrostatic testing activities or during conduit or vessel testing as described above.

This general permit **shall not** apply to activities:

1. producing and/or receiving wastewater from sources other than hydrostatic testing or related conduit or vessel testing;
2. discharges, or the potential for discharge, of substances that are not addressed by or would not be adequately regulated by this permit, including any of the Organic Toxic Pollutants, Other Toxic Pollutants (Metals and Cyanide) and Total Phenols, and Toxic Pollutants and Hazardous Substances

listed in Tables II, III, and V of LAC 33:IX.7107 Appendix D, except as specifically limited in Subject Item: RLP 1 Outfall 001, of the permit for discharges of hydrostatic test wastewaters and conduit or vessel testing wastewater;

3. discharges of wastewaters which have limits assigned to them in the Louisiana Water Quality Management Plan or an approved Waste Load Allocation which are different from the limits contained in this permit;
4. discharges which are likely to have unauthorized adverse effects upon threatened or endangered species, or on the critical habitat for these species as determined in conjunction with the U.S. Fish and Wildlife Service (USFWS);
5. discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless they are in compliance with requirements of the National Historic Preservation Act and any necessary activities to avoid or minimize impacts have been coordinated with the Louisiana State Historic Preservation Officer (for questions, the operator should contact the Section 106 Review Coordinator, Office of Cultural Development, P. O. Box 44247, Baton Rouge, LA 70804-4247 or telephone (225) 342-8170);
6. discharges of wastewater determined by this Office to present an environmental risk or potential risk of discharging pollutants other than those intended to be regulated by this permit;
7. discharges at operations classed as new sources or new dischargers, if the discharge will cause or contribute to the violation of water quality standards (LAC 33:IX.2317.A.9); and
8. discharges which cause or contribute to the violation of a state water quality standard.

This general permit **may not** apply to:

1. discharges from facilities not in compliance with a previously issued individual or general wastewater discharge permit;
2. discharges from facilities which have previously been in violation of state water quality regulations;
3. discharges from facilities which are located in an environmentally sensitive area including streams designated as Outstanding Natural Resource Waters; or
4. discharges from facilities which owe any outstanding fees or fines to the Department.

The Department may deny coverage under this permit and require submittal of an application for an individual LPDES permit based on a review of the NOI or other information. This Office reserves the right to issue such discharges an individual LPDES permit with more appropriate limitations and conditions.

IV. DISCHARGE LOCATION (LAC 33:IX.6519.A.1)

Within the geographic boundaries of the State of Louisiana.

V. RECEIVING STREAM/USES (LAC 33:IX.6519.A.2)

A covered facility may discharge to or flow to any water body within the geographic boundaries of the State of Louisiana, as defined in LAC 33:IX.1123 and 2313.

The possible designated uses of the receiving streams are:

- Primary Contact Recreation
- Secondary Contact Recreation
- Propagation of Fish and Wildlife
- Oyster Propagation
- Drinking Water Supply
- Agriculture
- Outstanding Natural Resource Waters
- Limited Aquatic Life and Wildlife Use

VI. PROPOSED EFFLUENT LIMITATIONS AND/OR CONDITIONS

The specific effluent limitations and/or conditions will be found in the permit. Development of permit limits is detailed in the Permit Rationale section below.

VII. PERMIT RATIONALE (LAC 33:IX.3111.B.4, LAC 33:IX.3305.B.1.d)

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the permit. The proposed effluent limitations and/or conditions contained in this permit are a continuation of those implemented in the current LPDES General Permit for Discharges of Hydrostatic Test Wastewater (effective February 1, 2003; modified March 1, 2003, and September 1, 2005).

The current version of the permit requires that permittees with statewide permit coverage notify the appropriate regional office prior to discharging wastewater generated during or in conjunction with hydrostatic testing activities. That requirement is continued in this reissuance permit

A. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations promulgated at LAC 33:IX.2707.A/40 CFR Part 122.44(a) require technology-based effluent limitations to be placed in LPDES permits based on effluent limitations guidelines where applicable, on BPJ (best professional judgment) in the absence of guidelines, or on a combination of the two. For the covered discharges, no effluent limitation guidelines have been promulgated so limitations are determined by BPJ.

Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement.

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards to which specific industrial categories and subcategories are subject. Until such guidelines are published, however, CWA Section 402(a)(1) requires that appropriate BCT and BAT effluent limitations be determined using best professional judgment (BPJ). Since national guidelines establishing BPT, BCT, and BAT standards have not been promulgated for discharges covered by this general permit, the appropriate BCT and BAT limitations have been established based on BPJ, as required by CWA Section 402(a)(1) and LAC 33:IX.3705.

Discharges of hydrostatic test and vessel testing wastewater that require more stringent effluent limitations than those contained in this general permit shall be considered for individual LPDES permit coverage. If appropriate, an individual permit containing more stringent water quality based effluent limitations shall be issued for the discharges.

Discharges of hydrostatic test and conduit or vessel testing wastewater may be non-continuous in nature. The determination of flow from these outfalls is derived by estimate of the flow. Because of the intermittent or non-continuous nature of discharges that may be authorized under this general permit, the effluent limitations for discharges will be in terms of concentrations, as allowed by LAC 33:IX.2709.F.1 and 40 CFR 122.45.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS AND CONDITIONS
(LAC 33:IX.3111.B.4)

1. GENERAL COMMENTS

Regulations promulgated at LAC 33:IX.2707.A/40 CFR Part 122.44(a) require technology-based effluent limitations to be placed in LPDES permits based on effluent limitations guidelines where applicable, on BPJ (best professional judgment) in the absence of guidelines, or on a combination of the two. Effluent guidelines have not been promulgated for the types of discharges that are covered by this permit, so limitations were determined

based on BPJ and on previously issued permits for similar discharges.

Discharges that may be authorized under this general permit will be those wastewater discharges described in Part I of this fact sheet. The permit is intended to cover only the discharges of hydrostatic test and conduit or vessel testing wastewater described in Part I of this fact sheet.

LAC 33:IX.2709.D requires that all permit effluent limitations for continuous discharges, including limitations necessary to achieve water quality standards, have daily maximum and monthly average (daily average) discharge limitations for all dischargers other than publicly owned treatment works. Because this permit offers coverage for discharges of a batch nature, the permit limitations are daily maximum limitations expressed in concentrations rather than mass.

Other than the following changes, the permit limits and conditions are equivalent to those in the current LPDES General Permit for Discharges of Hydrostatic Test Wastewater (effective February 1, 2003; modified March 1, 2003, and September 1, 2005) and the current LPDES General Permit LAG480000 for Discharges from Light Commercial Facilities (issued 7/31/2001 and effective 8/1/2001).

- a) Permit language has been clarified to specifically state that vessel testing wastewater related to hydrostatic testing activities is covered under the general permit. Vessel testing wastewater is defined in the permit.
- b) TMDL language was not included in the current version of the permit. The State Water Quality Standards section of the reissuance general permit includes TMDL information and the requirement that "should any TMDLs and wasteload allocations which address these discharges be developed, implementation within the required time frames for application of these requirements will be completed."
- c) Subject Item: AI 97422, Item 4, Page 5 of 5 was added to ensure consistency with the requirements of other LPDES permits. Because the flow measurement sample type is "estimate", the permittee may estimate the flow value by using best engineering judgment as specified in LAC 33:IX.2701.
- d) Page 3 of 6 of the APPLICABILITY section of the permit offers guidance and instructions related to modification of a facility's authorization to discharge and transfer of permit coverage when a permitted facility changes ownership. The first two paragraphs on Page 3 of 6 of the APPLICABILITY section of the permit were added to facilitate compliance with LDEQ regulations related to changes in facility ownership and transfer of permit coverage when a facility changes ownership.
- e) Subject Item: RLP 1 Outfall 001, Item #4 listed under Narrative on Page 3 of 5 was added to clarify that containers should be free of free liquids

before washing, rinsing, or conducting a hydrostatic test on a pipe, pipeline, flowline, storage tank, container or similar conduit or vessel.

- f) Subject Item: RLP 1 Outfall 001: Sample type and frequency for flow, TSS, oil & grease, and pH clearly explain that all permittees, including permittees with statewide permit coverage, may request authorization to collect samples and run analysis for flow, TSS, oil & grease, and pH at the time of discharge (not prior to discharge).

2. LIMITED PARAMETERS AND MONITORING REQUIREMENTS:

The permit contains the following effluent limitations and monitoring requirements.

EFFLUENT CHARACTERISTICS	EFFLUENT LIMITATIONS		MONITORING REQUIREMENTS	
	DAILY MAXIMUM		MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow (MGD)	Report		1/discharge event	Estimate
TSS	90 mg/L		Once prior to proposed discharge	Grab
Oil and Grease	15 mg/L		Once prior to proposed discharge	Grab
TOC	50 mg/L		Once prior to proposed discharge	Grab
Benzene	50 µg/L		Once prior to proposed discharge	Grab
Total BTEX	250 µg/L		Once prior to proposed discharge	Grab
Lead, Total	50 µg/L		Once prior to proposed discharge	Grab
pH - Allowable Range (Standard Units)	6.0 (Minimum)	9.0 (Maximum)	Once prior to proposed discharge	Grab

The regulated parameters and the monitoring frequencies established in the permit are consistent with those contained in the current LPDES General Permit for Discharges of Hydrostatic Test Wastewater (effective February 1, 2003; modified March 1, 2003, and September 1, 2005), and the current LPDES General Permit LAG480000 for Discharges from Light Commercial Facilities (issued 7/31/2001 and effective 8/1/2001).

The determination of flow from permitted outfalls shall be derived by estimate of the flow.

pH: pH effluent limitations in the range of a minimum of 6.0 standard units to a maximum of 9.0 standard units is included in this permit, based on Best Professional Judgment; and

LAC 33:IX.5905.C. This effluent limitation was also included in the current LPDES General Permit for Discharges from Implementing a Corrective Action Plan for Cleanup of UST Systems and the current LPDES General Permit LAG940000 for Discharges of Treated Groundwater, Potentially Contaminated Storm Water, and/or Associated Wastewaters, as well as other LPDES general permits issued by this Office. This effluent limitation can also be found in the EPA Region VI Storm Water Guidance Document and in previous individual and general permits issued by the Office of Environmental Services (formerly the Office of Water Resources).

Because of the intermittent or non-continuous nature of discharges that may be authorized under this general permit, the effluent limitations for discharges will be in terms of daily maximum concentrations, as allowed by LAC 33:IX.2709.F.1 and 40 CFR 122.45.

The monitoring frequencies established in the permit are consistent with the current LPDES General Permit for Discharges of Hydrostatic Test Wastewater, the LPDES General Permit for Discharges Resulting from Implementing a Corrective Plan for Cleanup of Petroleum Underground Storage Tank Systems, and the current LPDES General Permit LAG940000 for Discharges of Treated Groundwater, Potentially Contaminated Storm Water, and/or Associated Wastewaters.

Monitoring for all parameters (except flow) shall be once prior to proposed discharge using grab samples.

Flow: Flow shall be estimated 1/discharge event using best engineering judgment [LAC 33:IX.2701]. The permittee shall not be subject to the accuracy provisions for flow measurement established in the Standard Conditions of this permit. If any discharge extends beyond one week in duration, then sampling for all parameters shall continue on a weekly basis until the discharge ends.

If approved by the appropriate LDEQ regional office, the permittee may sample and run analysis for flow, TSS, Oil and Grease, and pH for discharges from testing new pipes, pipelines, flowlines, vessels, and/or tanks at the time of discharge, rather than prior to discharge.

TSS: Daily Maximum effluent limitations of 90 mg/L for Total Suspended Solids (TSS) shall be included in this general permit. The limitation is based on Best Conventional Pollutant Control Technology based on Best Professional Judgment (BPJ) and LAC 33:IX.705. The effluent limitation of 90 mg/L is consistent with the current LPDES General Permit for Discharges of Hydrostatic Test Wastewater.

Oil and Grease: A daily maximum effluent limitation of 15 mg/L Oil and Grease is included in the permit for discharges of hydrostatic test wastewater as Best Conventional Pollutant Control Technology based on LAC 33:IX.705, Best Professional Judgment; the

current LPDES General Permit for Light Commercial Facilities; the General Permit for Sand and Gravel Extraction Operations; LPDES Exterior Vehicle Wash General Permit; the LPDES General Permit for Discharges of Hydrostatic Test Wastewater; other current LPDES General Permits; and current individual industrial permits.

TOC: Daily maximum effluent limitations of 50 mg/L TOC shall be included in this general permit for covered discharges. The total amount of organically bound carbon will be more clearly measured using TOC, which will be limited under Best Available Technology Economically Achievable based on Best Professional Judgment. This effluent limitation for TOC was assigned in the current LPDES General Permit for Discharges of Hydrostatic Test Wastewater, the LPDES General Permit for Discharges Resulting from Implementing a Corrective Plan for Cleanup of Petroleum Underground Storage Tank Systems; and the current LPDES General Permit LAG940000 for Discharges of Treated Groundwater, Potentially Contaminated Storm Water, and/or Associated Wastewaters. This effluent limitation can also be found in the EPA Region VI Storm Water Guidance Document; the LPDES General Permit for Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks and Excavations; the LPDES General Permit for Discharges from Light Commercial Facilities; the LPDES Cement, Concrete and Asphalt Facilities General Permit; in recent individual permits issued by this Office; in the Final National Pollutant Discharge Elimination System Storm Water Multi-Sector General Permit for Industrial Activities, Federal Register, Friday, September 29, 1995; and LDEQ Storm Water Guidance letter from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region VI), dated June 17, 1987.

Benzene: EPA documents cite a study that was performed for the Gas Research Institute (GRI) and is titled "Environmental Aspects of Hydrostatic Test Water Discharges: Operations, Characterization, Treatment and Disposal." The GRI study gathered data on benzene, BTEX, oil and grease, and TSS. This study illustrates that benzene can be a pollutant of particular concern in discharges from facilities which have been used for the storage or transportation of liquid or gaseous petroleum hydrocarbons. Benzene is an appropriate BAT parameter representing the toxic hydrocarbons which may be present in discharges of hydrostatic test wastewater. Therefore, the permit contains a limitation, based on BAT, for benzene. Based on the above mentioned study, the current LPDES General Permit for Discharges of Hydrostatic Test Wastewater; the permit contains a daily maximum concentration of 50 µg/L benzene. When analytical test results report a Benzene concentration of less than 10 µg/L, that result may be reported as zero on the Discharge Monitoring Report (DMR) form that is submitted to the LDEQ Office of Environmental Compliance.

Total BTEX: BTEX components such as toluene and xylenes may be present in water contaminated by liquid or gaseous petroleum hydrocarbons. EPA documents cite a study that was performed for the Gas Research Institute (GRI) and is titled "Environmental Aspects of Hydrostatic Test Water Discharges: Operations, Characterization, Treatment

and Disposal." The data in the GRI study illustrate that BTEX can be a pollutant of particular concern from hydrocarbons stored in storage tanks. The BTEX parameter is determined to be an appropriate indicator parameter for other hydrocarbon fuel components which might be transferred, transported or stored in pipes, pipelines, flowlines, vessels, and/or tanks. Because of the highly variable composition of petroleum hydrocarbon fuels, for some products any one of the four BTEX constituents can be the predominant constituent; therefore, application of this aggregate parameter is appropriate.

A Daily maximum BAT effluent limitation of 250 µg/L has been established in this general permit for Total BTEX. This limitation is well below the total of the human health drinking water criteria for benzene, ethylbenzene, and toluene, the BTEX constituents for which standards are established in LAC 33:IX.1113. The other constituent, xylene, is not expected to be present in amounts which might significantly affect the totals. This pollutant is of concern mainly in aviation fuels, which will constitute at most only a small number of the total discharges this permit will authorize. The proposed effluent limitation of 250 µg/L for Total BTEX is the same as that used in the current LPDES General Permit for Discharges of Hydrostatic Test Wastewater, and well as the current LPDES General Permit for Discharges from Light Commercial Facilities.

Total Lead: An effluent limitation for lead is included in this general permit for discharges of hydrostatic test and vessel testing wastewater. Further, this Office has found through its permitting experience with the LPDES General Permit for Discharges of Hydrostatic Test Wastewater in Louisiana that lead is a useful parameter, in conjunction with Total BTEX, for the regulation of hydrocarbons discharged from pipes, pipelines, flowlines, vessels and/or tanks that have been used to transfer, transport, or store liquid or gaseous petroleum hydrocarbons. A lead BAT effluent limitation of 50 µg/L is therefore established.

This effluent limitation is also utilized in the LPDES General Permit for Discharges Resulting from the Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks and Excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum; the current LPDES General Permit for Discharges from Light Commercial Facilities; the current LPDES General Permit for Potentially Contaminated Storm Water, and/or Associated Wastewater; and the current LPDES General Permit for Discharge of Hydrostatic Test Wastewater.

C. MONITORING FREQUENCIES FOR LIMITED PARAMETERS

Regulations require that permits establish monitoring requirements to yield data representative of the monitored activity (LAC 33:IX.2715/40 CFR 122.48(b)) and to assure compliance with permit limitations (LAC 33:IX.2707.1.1/40 CFR 122.44(l)(1)).

The permit establishes monitoring frequencies at once prior to proposed discharge at each outfall for all parameters with the exception of flow which shall be monitored 1/discharge event.

The monitoring frequencies assigned to each parameter in the permit are equivalent to the monitoring frequencies used in the current version of the General Permit for Discharges of Hydrostatic Test Wastewater, in other existing LPDES general permits, and in individual LPDES permits issued by this Office for similar type of discharges.

VIII. PUBLIC NOTICES (LAC 33:IX.3111.B.6)

The public notice describes the procedures for the formulation of final determinations.

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested person may submit written comments on the permit. Any interested person may also submit a written request for clarification of issues related to the content of the general permit or the permit issuance process. Interested persons may also submit written requests for notification of the final permit decision or to request a public hearing to clarify issues involved in the permit decision. A request for a public hearing shall state the nature of the issues proposed to be raised in the hearing. The public notice specifies that written comments and/or written requests shall be submitted to the LDEQ Public Participation Group and that written comments and/or written requests must be received by the Department by a specific deadline.

Public notice will be published in:

THE ADVOCATE of Baton Rouge
 LAKE CHARLES AMERICAN PRESS
 THE ADVERTISER of Lafayette
 THE TIMES of Shreveport
 THE TIMES PICAYUNE of New Orleans
 THE NEWS-STAR of Monroe
 THE TOWN TALK of Alexandria
 THE COURIER of Houma

LDEQ Permits Public Notice Mailing List

LDEQ Permits Public Web Page at

<http://www3.deq.louisiana.gov/news/pubnotice/default.asp>.

In addition to the public notice procedures described above, a notice will be placed in *The Advocate* that identifies this permit as well as other permits placed on public notice for the previous week for facilities located in the following hurricane impacted parishes: Orleans and St. Bernard. The notices will clearly identify the electronic web link to view the public notices and will provide a telephone number to call to request additional information or to find out where documents may be reviewed locally.

Additional precautions will be taken to assure that people who live in the parishes most severely impacted by recent hurricanes receive notice of the draft permit. The following additional public notice procedures will apply to public notice of the draft permit in Orleans and St. Bernard parishes:

The public notice will also be published in an additional newspaper in a parish that physically adjoins Orleans parish and a parish that physically adjoins St. Bernard parish. This additional public notice will be published in the newspaper with the largest circulation in the adjoining parish.

The draft permit, NOI, and fact sheet will be available for review at the LDEQ Public Records Center, Room 127, 602 North 5th Street, Baton Rouge, Louisiana, during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays).

The Water Permits Division will send notification of the final permit decision to each person who has submitted written comments or a written request for notification of the final decision.

IX. ENDANGERED SPECIES ACT

The proposed limitations on these discharges are sufficiently stringent to assure state water quality standards, both aquatic life and human health protection, will be met for any receiving stream throughout the state. The effluent limitations established in this permit mirror those found in the current permit that became effective on December 15, 2002.

The USFWS issued a letter of no objection for the issuance of the current LPDES LAG670000 permit that expires January 31, 2008. The effluent limitations in this reissuance permit ensure protection of aquatic life and maintenance of the receiving water as an aquatic habitat. Correspondence from the USFWS dated September 29, 2006, states that the Service has determined that general permit LAG670000 contains effluent limitations that are protective of aquatic life and will ensure that water bodies that receive discharges that are in compliance with the permit will be protected as a sustainable aquatic habitat; therefore the Service has determined that no coordination is required for facilities that submit an NOI for initial coverage under the general permit.

In a letter dated September 29, 2006, from the United States Department of the Interior, Fish and Wildlife Service (F&WS) to Dr. Chuck Carr Brown, the F&WS states that:

"Based on effluent limitations established for the protection of aquatic life and maintenance of the receiving waters as aquatic habitat, the Service has determined

that the following general permits are not likely to adversely affect listed species, and therefore, no coordination is required: ... Hydrostatic Test Wastewater (LAG670000) ...".

The state finds that adoption of the re-issuance permit is unlikely to have unauthorized adverse effects upon threatened or endangered species or on the critical habitat for these species. A copy of the draft permit and fact sheet have been submitted to the USFWS for their comments and/or letter of no objection to the re-issuance of this LPDES general permit.

X. NATIONAL HISTORIC PRESERVATION ACT

An operator must be in compliance with the National Historic Preservation Act to be eligible for coverage under this general permit. Discharges may be authorized under this permit only if:

- (1) Your storm water discharges, allowable non-storm water discharges, and discharge-related activities do not affect a property that is listed or eligible for listing on the National Register of Historic Places, unless they are in compliance with requirements of the National Historic Preservation Act and any necessary activities to avoid or minimize impacts have been coordinated with the Louisiana State Historic Preservation Officer (SHPO); and
- (2) If applicable, you have obtained and are in compliance with a written agreement with the SHPO that outlines all measures you will undertake to mitigate or prevent adverse effects to the historic property.

The state finds that adoption of the reissued permit is unlikely to have unauthorized adverse effects upon properties listed or eligible for listing in the National Register of Historic Places provided that permittees meet the above applicability requirements contained in the permit. The draft permit and fact sheet have been submitted to the State Historic Preservation Office for their comments and/or concurrence with the state's determination.

XI. FEES

At the time of proposed issuance, the annual maintenance and surveillance fee for coverage under this permit will be \$300.00 for site-specific permit coverage and \$792.00 for statewide permit coverage. A twenty percent surcharge (up to a maximum surcharge of \$150.00) will be added to the annual fee of all facilities located in the following basins: Atchafalaya River, Barataria, Lake Pontchartrain, Mississippi River, and Terrebonne. Monies collected through this surcharge are deposited in the Oyster Sanitation Fund, which

is used to support molluscan sanitation efforts. The agency may adjust fee amounts at a later date by promulgation in the Louisiana Administrative Code.

XII. SCHEDULE OF COMPLIANCE

The permittee is to be in compliance with the permit limitations and conditions as of the date of coverage under the general permit. A Statement of Basis will be issued for each facility authorized to discharge under the final permit. The Statement of Basis and a cover letter granting authorization to discharge under the general permit will be attached to a copy of the permit that is mailed to each permit authorized to discharge under the general permit. Both the cover letter and Statement of Basis will contain a permit authorization number and an Agency Interest (AI) number. The permittee will be instructed to use that permit authorization number and that AI number on all documents that the facility prepares related to its authorization to discharge under the general permit. The Statement of Basis will reiterate outfall numbers listed in the NOI that is submitted requesting permit coverage and it will reference the effluent limitations and monitoring requirements in the permit that apply to discharges from the outfall(s) that occurs at the permitted facility.

XIII. STATE WATER QUALITY STANDARDS

The permit requires as an eligibility condition that covered discharges not cause or have the reasonable potential to cause or contribute to a violation of a state water quality standard. If a discharge is known to be doing such the operator must seek coverage under an alternative permit. Where a discharger is already operating under the permit and is later discovered to cause or have the reasonable potential to cause or contribute to the violation of a state water quality standard, the permitting authority will notify the operator of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the pollution prevention plan. If violations remain or recur then coverage under the permit will be terminated after alternate coverage is obtained. Compliance with this requirement does not preclude any enforcement activity as provided by the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.) for the underlying violation. A permit reopener clause is included in the permit.

Where an approved or established TMDL has not specified a wasteload allocation (WLA) applicable to discharges covered by this general permit, but has not specifically excluded these discharges, it will generally be assumed that discharges from facilities permitted under this general permit are consistent with approved TMDLs.

Each NOI received to request authorization under this LPDES general permit will be evaluated by the Agency to assure any WLA's are met, and that in-stream standards will not be violated by the proposed discharges. In each case a Statement of Basis

documenting justification for the permitting decision shall be completed prior to any issuance of authorization under the general permit.

In order to meet the assumptions and requirements of established or approved TMDLs, coverage under this general permit may be denied and regulation under an individual permit required. Facilities that discharge to a specific 303(d) listed impaired water body will not be eligible for coverage under this general permit if the TMDL for that particular water body specifically precludes discharges covered by this general permit, or where the discharge can be expected to cause or contribute to the water quality impairment addressed by the TMDL.

The general criteria and numerical criteria which make up the stream standards are provided in the "Louisiana Surface Water Quality Standards", (LAC 33:IX.11, amended as of September 1989, March 1991, April 1994, August 1994, July 1995, November 1996, and October 1998, October 2000).

For the purposes of assuring that state water quality standards are achieved, the following language is being included in the general permit (Other Requirements, Section G) along with a reopener clause (Other Requirements, Section M).

LAC 33:IX.1113 describes numerical and general criteria that apply to all water bodies of the State. Criteria are elements of the water quality which set limitations on the permissible amounts of a substance or other characteristics of state waters. The General Criteria, as described in the Louisiana Administrative Code, limit discharges to maintain aesthetics, color, turbidity, the biologic and aquatic community integrity, and many other elements in the receiving water body. Any noncompliance with the General or Numerical Criteria is not authorized under this permit.

To comply with the requirements of LAC 33:IX.2317.A.9, this permit does not authorize a discharge from an operation which is classed as a new source or new discharge, as defined at LAC 33:IX.2313, if the discharge will cause or contribute to the violation of water quality standards. Discharges from facilities permitted under LPDES general permits typically consist of low volume flows, and discharges that are intermittent in nature. This general permit is applicable to very specific types of discharges that specifically occur at industrial facilities that are eligible for coverage under this permit. The permit effluent limitations and other conditions are determined to be sufficient to assure protection to state waters. New source discharges or new discharges of wastewater from a facility whose discharges are in compliance with the general permit requirements should not adversely impact water quality of 303(d) listed impaired water bodies nor should they cause or contribute to the violation of state water quality standards in receiving water bodies throughout the state, including 303(d) impaired water bodies. Authorizing facility-specific

permit coverage under this general permit will protect the water quality standards of receiving streams because permitted discharges are required to be in compliance with the general permit requirements immediately upon coverage by the permit. In accordance with Other Requirements, Sections E, G.1, and L measures can be taken by the permitting authority to prohibit any discharge that is not protective of state water quality standards.

Discharges of wastewater and/or industrial storm water from industrial facilities that are eligible for general permit coverage are relatively small flows with short term duration. The experience which this Office has in permitting these discharges, and the absence of any quantifiable degradation to the receiving water bodies for discharges under previously-issued general permits, support the adequacy of continuing the previously applied conditions and effluent limitations to assure that water quality standards will be met, as supported in the following discussion and above in Part VII of this Fact Sheet.

The permit duplicates the parameters, limitations, and requirements found in the LPDES General Permit for Discharges of Hydrostatic Test Wastewater, effective February 1, 2003, and modified March 1, 2003, and September 1, 2005, except for the changes described above in Part VII.B.1.

EPA Region VI concurred that the effluent limitations established in the February 1, 2003, permit ensured attainment of water quality standards. The state does not believe any water quality issues have developed that were not considered when the 2003 permit was prepared; therefore, that determination is still valid and those limitations continue to be used in the permit.

The parameters and limits contained in the permit will offer adequate protection to any streams listed on the LDEQ Section 303(d) List of Impaired Water Bodies. DO impacted streams will be adequately protected by the TOC limitation of 50 mg/L.

XIV. FINAL DETERMINATION

The availability of an LPDES General Permit for Discharges of Hydrostatic Test and Vessel Testing Wastewater streamlines the permit process for certain sources that generate common types of wastewaters that can be effectively treated by common types of treatment systems, to meet the effluent limitations contained in the permit. By utilizing a general permit to regulate discharges of hydrostatic test and vessel testing wastewater LDEQ streamlines the permit process for these de minimis discharges which allows the Department to devote more resources to issuing individual LPDES permits to industrial facilities with discharges that require more regulatory oversight while ensuring that discharges permitted under this general permit are protective of state water quality standards in receiving streams throughout the state.

This agency has determined that discharges covered by this authorization can be adequately treated by common types of treatment systems to meet the effluent limitations contained in the general permit. The resulting discharges that are in compliance with the permit limitations should not pose any reasonable potential to cause or contribute to any existing water quality or 303(d) listed impairment.

The effluent limitations and monitoring requirements of this permit are adequate to protect for the designated uses and water quality standards of Louisiana.

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue the general permit for the discharges described above in Parts I and III.